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SIPDIS

DEPARTMENT FOR G, DRL, S/P, AND EUR

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TAGS: **PHUM PREL KDEM KZ POLITICAL**

SUBJECT: KAZAKHSTAN: DEMOCRACY PROMOTION STRATEGY

REF: A. A. STATE 169627

¶B. B. ALMATY 3301

¶C. C. ALMATY 3245

Classified By: Qb. John Ordway, reasons 1.4 (B) and (D).

¶1. (C) SumQry: Post welcomes the selection of Kazakhstan as an EUR focus country for the democracy promotion strategy (Ref A). Kazakhstan is preparing for what could be its first truly contested presidential race this December, against the backdrop of serious GOK concerns about U.S. intentions and the potential for another "color revolution." At the same time, President Nazarbayev has publicly committed himself to pursuing further democratic reform -- albeit at a rather unambitious pace -- following the election (Ref B). Post engages in regular, high-level dialogue with the GOK about the need to complement sound economic policies with real political reform. This dialogue intensified after the May decision not to certify Kazakhstan for Foreign Operations Appropriations Act (FOAA) spending for the first time. The increased high-level USG engagement with the GOK and program initiatives made possible by the democracy promotion strategy will permit us to capitalize on Kazakhstan's present economic strength and stability and encourage bold progress. In the near term, post will focus on presidential elections, better conditions for NGOs and journalists, increased transparency of the judicial system, and expanded civic education. End summary.

¶2. (C) Post's Democracy Working Group convened on September 22 to outline a democracy promotion strategy for Kazakhstan. Information below is keyed to para. 6 of reftel.

¶A. Deficit areas: The main areas of democratic deficit in Kazakhstan are well documented, and the GOK is doing little to address them. They include insufficient political representation due to falsified national elections and the limited powers of the parliament; government pressure on the independent media; a judiciary that lacks independence; restrictions on freedom of assembly; and pervasive corruption which corrodes democratic values at all levels of society. Appointment of regional and local executives and institutionally weak elected councils are also a serious problem in the Kazakhstani context. With the proper USG coordination and resources, it is possible to achieve tangible results in certain of these areas over the next six to eight months. Post intends to focus its efforts on support for presidential elections which are substantially better than previous elections and which come significantly closer to meeting international standards, blocking new damaging legislation such as the NGO laws, increasing public dialogue about the merits of direct election of regional and local leaders, decreasing the pressure on independent media, increasing the professionalism of Kazakhstani journalists to serve as more effective advocates of the public good, promoting incremental improvement in the transparency of the judiciary, and institutionalizing civic education in schools.

¶B. Strategy: The period up until December 4 presidential elections will be politically sensitive, with the GOK on particular alert for any U.S. initiatives that appear designed to "mobilize" the Kazakhstani public. We expect our assistance partners to come under particularly close scrutiny in the coming months. However, President Nazarbayev's repeated public commitment to ensure free and fair elections has created a relatively favorable environment for assistance efforts aimed directly at the electoral process. Once the elections are over and, presumably, President Nazarbayev is reelected to his final term, we expect much greater openness on the part of the GOK to other U.S. proposals. Nazarbayev has already publicly committed himself to further democratic reform, he knows that progress is necessary for Kazakhstan to receive support for its OSCE CiO bid, and most importantly, he will be concerned with his legacy and with ensuring a smooth exit from the political scene. For that reason, post envisions a two-stage strategy: intense diplomatic and programmatic focus on presidential elections until December, followed by a broadened agenda of proposals to address other areas of democratic deficit.

¶C. Needs: In cooperation with EUR/ACE, post has already designed a strategy to support a free and fair presidential election process and identified the necessary funding (\$1.3

million) to support international and domestic election observation, voter education, media activities, and exit polling. The engagement of the Carter Foundation (Ref C) in election monitoring would be a welcome addition to this effort. Upcoming high-level visits, including by EUR A/S Fried, U/S Joseph, and SecDef, will provide valuable opportunities to reinforce the USG's message on elections and

to publicly highlight President Nazarbayev's own commitments to good elections and further reform.

1C. Needs, continued: For the second phase of the strategy, post proposes the following initiatives to address the most pressing areas of democratic deficit in concrete and achievable ways:

-- A coordinated diplomatic effort to hold President Nazarbayev to his public promise to establish and chair a Democratization Commission, which will propose substantial reforms. As part of this, we should seek a commitment that the NGO legislation ruled unconstitutional in August will not be resurrected. If December presidential elections meet our expectations, this effort could be capped by a Nazarbayev visit to Washington.

-- Establishment of a more robust media training program for local independent print journalists. The lack of training and professionalism among Kazakhstani journalists renders them particularly vulnerable to the GOK's attempts to pressure them and encourage self-censorship. The Public Affairs Section would work with a local organization such as MediaNet to establish an intensive, long-term (i.e. nine month) program for journalists. Estimated annual cost for a program to train 20 journalists would be \$545,000 the first year and \$522,000 thereafter. Post would seek to identify funding partners.

-- Successful launch of a satellite broadcast program to increase the availability of independent media programming. This three-year, \$1.6 million regional project is already underway, with broadcasts expected to begin in January. Through the project, the Internews Network will support the satellite transmission throughout Central Asia of news and informational television programs from a transmission base in Almaty

-- Engagement with the GOK to amend the civil code to prohibit state organs from filing civil code "honor and dignity" lawsuits, and to protect journalists against criminal libel lawsuits. The Embassy will also continue to provide technical advice on potential new media legislation through Internews.

-- Expansion of USAID's pilot court recording project nationwide. As the Kazakhstani judicial system currently has no mechanism to provide transcripts of court proceedings, this program provides a greatly increased level of transparency for all parties. The Ministry of Justice has budgeted some funds to support expansion of the program in 12006. Post estimates that an additional \$200,000 will be needed to provide the necessary training and technical assistance in these sites. This would be complemented longer term by curriculum reform in the Judicial Academy to emphasize ethics, accountability, and transparency.

-- High-level engagement with the Ministry of Education and Science to convince the GOK to adopt USAID's highly successful civic education program for use nationwide as an established part of the national curriculum.

-- Restoring the number of IVLP exchange program slots to the previous FSA-funded level of 80 per year; there are now 38. Post would use the additional exchange slots to significantly increase the number of programs for judges and local leaders in order to increase their exposure to the U.S. judiciary and local self-government.

1D. Impediments: Assuming resources are available to implement the programmatic suggestions, the main impediments to these initiatives will be persistent distrust of U.S. motivations by many elites, hesitancy to embrace real change, and the GOK's inability to reach interagency decisions in a reasonable timeframe. While post expects the level of GOK and public concern about alleged U.S. efforts to provoke a "color revolution" to drop considerably after the presidential elections, residual doubts and distrust will remain. The likely appearance of out of context excerpts from the recent USAID publication "Democracy Rising" in the Kazakhstani press is also likely to exacerbate the situation.

1E. Allies/opponents: As with all human rights issues in Kazakhstan, the EU (particularly under the current UK presidency) will likely be our strongest and most vocal ally in these efforts. The UK and Dutch embassies and the European Commission representation are generally the most outspoken here on the ground. Although less vocal in public,

the OSCE Center is almost always willing to work with us behind the scenes to influence the GOK on human rights

issues. We would hope that ODIHR, which is already fully engaged in preparations for the presidential elections, would be willing to support a coordinated push for further reforms in the new year. Russia, both bilaterally and through the CIS and SCO, is likely to be vociferously critical and to do its best to plant doubts in the mind of the GO about U/S.Q intentimnS> Chila will be luss outrpocenl bvt dik%ly!eQual,y Qfcfc%r~dd.

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1G. Consequences: Kazakhstan is at a crossroads, clearly vacillating between an impulse to restrain civil society and the growing realization that political reform is the only sure path to continued prosperity and stability. There are advocates for both of these paths. Post believes that a properly calibrated and coordinated USG approach to a democracy strategy for Kazakhstan could result in tangible progress within the next six to eight months, thereby insuring that the GOK takes the fundamental decision for reform. The possible consequences of an unsuccessful strategy, i.e. one that was perceived as too heavy-handed or didactic, could include accusations by the GOK that the U.S. is trying to undermine regional stability and the U.S.-KZ "strategic partnership" in order to increase its control over the region and its natural resources.

13. (SBU) Post looks forward to Department feedback on the strategy and specific proposals.
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